

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0716.01 Thomas Morris

HOUSE BILL 11-1276

HOUSE SPONSORSHIP

Brown, Baumgardner, Bradford, Conti, DelGrosso, Holbert, Kerr J., Murray, Scott, Sonnenberg

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A BILL FOR AN ACT

101 **CONCERNING THE CRITERIA USED BY COURTS IN EVALUATING**
102 **CONGRESSIONAL REDISTRICTING PLANS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits courts from using nonneutral factors, including political party registration, political party election performance, and other factors that invite the court to speculate about the outcome of an election, in determining whether one or more congressional districts are lawful and in adopting or enforcing any change to a district. Requires courts to use

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

only neutral factors in the following order of precedence:

- ! First, population equality, contiguity, the use of whole general election precincts, and a prohibition on district overlap;
- ! Second, compliance with the federal "Voting Rights Act of 1965";
- ! Third, preservation of political subdivision boundaries, with precedence given to the most populous counties, cities, and towns;
- ! Fourth, preservation of communities of interest, including the traditional western slope and eastern plains communities of interest;
- ! Fifth, compactness; and
- ! Sixth, minimization of disruption to prior district lines.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 2-1-102, Colorado Revised Statutes, is amended to
3 read:

4 **2-1-102. Neutral criteria for judicial determinations of**
5 **congressional districts - definition.** (1) In determining whether one or
6 more of the congressional districts established in section 2-1-101 are
7 lawful and in adopting or enforcing any change to any such district, courts
8 SHALL:

9 (a) ~~Shall utilize the following factors:~~ NOT USE NONNEUTRAL
10 FACTORS. FOR PURPOSES OF THIS SECTION, "NONNEUTRAL FACTORS"
11 INCLUDE POLITICAL PARTY REGISTRATION, POLITICAL PARTY ELECTION
12 PERFORMANCE, AND OTHER FACTORS THAT INVITE THE COURT TO
13 SPECULATE ABOUT THE OUTCOME OF AN ELECTION.

14 (b) USE ONLY NEUTRAL FACTORS IN THE ORDER OF PRECEDENCE
15 ESTABLISHED IN THIS PARAGRAPH (b). FOR PURPOSES OF THIS SECTION, A
16 "NEUTRAL FACTOR" MEANS:

17 (I) FIRST, a good faith effort to achieve precise mathematical

1 population equality between districts, justifying each variance, no matter
2 how small, as required by the constitution of the United States. Each
3 district shall consist of contiguous whole general election precincts.
4 Districts shall not overlap.

5 (II) SECOND, compliance with the federal "Voting Rights Act of
6 1965", in particular 42 U.S.C. sec. 1973; and

7 ~~(b) May, without weight to any factor, utilize factors including but
8 not limited to:~~

9 ~~(I) (III) The preservation of~~ THIRD, EXCEPT WHEN NECESSARY TO
10 COMPLY WITH SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (b), political
11 subdivisions such as counties, cities, and towns SHALL BE PRESERVED
12 INTACT AND SHALL NOT BE FRAGMENTED OR DISPERSED ACROSS DISTRICT
13 LINES. WHEN APPLYING THIS CRITERION, PRESERVATION OF THE MOST
14 POPULOUS COUNTIES, CITIES, AND TOWNS SHALL TAKE PRECEDENCE.
15 When county, city, or town boundaries are changed, adjustments, if any,
16 in districts shall be as prescribed by law.

17 ~~(II) (IV) The preservation of~~ FOURTH, communities of interest,
18 including ethnic, cultural, economic, trade area, geographic, and
19 demographic factors, SHALL BE PRESERVED WITHIN A SINGLE DISTRICT
20 WHENEVER POSSIBLE. TRADITIONAL COMMUNITIES OF INTEREST IN
21 COLORADO INCLUDE THE WESTERN SLOPE AND THE EASTERN PLAINS.

22 ~~(III) (V) The compactness of~~ FIFTH, each congressional district
23 SHALL BE AS COMPACT IN AREA AS POSSIBLE, AND THE AGGREGATE LINEAR
24 DISTANCE OF ALL DISTRICT BOUNDARIES SHALL BE AS SHORT AS POSSIBLE;
25 and

26 ~~(IV) (VI) The minimization of~~ SIXTH, THE disruption of prior
27 district lines SHALL BE MINIMIZED.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 shall take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part shall not take effect
8 unless approved by the people at the general election to be held in
9 November 2012 and shall take effect on the date of the official
10 declaration of the vote thereon by the governor.